

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gale A. Rachuy,

Misc. No. 08-68 JMR/FLN

Plaintiff,

v.

O R D E R

Mark S. Rubin, St. Louis
County, et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 2, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed *in forma pauperis* [#2] is DENIED;
- and
2. This action is DISMISSED WITHOUT PREJUDICE.

DATED: February 27, 2009.
at Minneapolis, Minnesota

s/James M. Rosenbaum
JUDGE JAMES M. ROSENBAUM
United States District Court